



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/526,570      | 03/04/2005  | Michael Roreger      | 512100-2044         | 8017             |

7590 09/07/2007  
Frommer Lawrence & Haug  
745 Fifth Avenue  
New York, NY 10151

|          |
|----------|
| EXAMINER |
|----------|

ASDJODI, MOHAMMAD REZA

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1709

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

09/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/526,570

Applicant(s)

ROREGER ET AL.

Examiner

Asdjodi M. Reza

Art Unit

1709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/04/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Abstract***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

*The following is a quotation of the second paragraph of 35 U.S.C. 112:*

***The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.***

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131

Art Unit: 1709

USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 10 recites the broad recitation: less than 25%, and the claim also recites: preferably between 2 and 10%, which is the narrower statement of the range/limitation.

### ***Claim Rejections - 35 USC § 102***

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless –*

***(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.***

Claims 1-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Colgate-Palmolive Company in GB.1,551,578.

Regarding claim 1, GB.1,551,578 discloses a detergent bar (intended for conventional uses), which has a backbone forming polymer, air bubbles and it is solid, [p.1, L.5-25].

Regarding claim 2, GB. 1,551,578 reveals, [p.4., L.10-20] & [p.1, L.5-10], the elasticity and placticity of this soap bar.

Regarding claim 3, GB. 1,551,578 discloses the presence of water-soluble alkali metal salts of fatty hydrocarbons and surfactants, [p.2, L.10-15, & p-2, L.47-60], [p.3, L.5-10].

Regarding claims 4 and 5, GB. 1,551,578 discloses the presence of synthetic polymers such as polyvinyl alcohol, [p.1, L 10-25], starch, [p.11, L42], and cellulose derivatives, [p.15, L.17].

Art Unit: 1709

Regarding claim 6, GB. 1,551,578 discloses the presence of foam forming agent, [p.2, L.19], [p.8, L.33], and surfactants, [p.3, L. 40-55].

Regarding claim 7, GB. 1,551,578 does not disclose the percentage of air bubbles with respect to that of soap. It teaches injection of air bubbles into soap which is in gel form. This action will cause the volume of the mix to increase from 5 to 60%, [p.7, L.60-65]. Therefore, it is clear that the added amount of air bubbles will directly determine the density of soap. Specifically, the percentage of air bubble will manifest itself in a desired density of soap as it is achieved by the value of 0.5 to 0.9gr/cc, [p.2, L.5-10].

Regarding claim 8, GB. 1,551,578 discloses the density of soap as being in the range of 0.5 to 0.9 gr/cc, [p.2, L.5-10].

Regarding claim 10, GB. 1,551,578 discloses an increase of 5 to 60% in the volume of the soap after the air injection for making the bubbles, [p.7, L65].

Claims 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Colgate-Palmolive Company in patent specification: GB.1,551,578.

Regarding claim 11, GB. 1,551,578 teaches a method of manufacturing elastic detergent bars with foaming polymer, air bubbles by mixing the constituents in water pouring the gasified mixture into cooled moulds and removing the solid soaps eventually, [p.7, L.5-55].

Claims 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Colgate-Palmolive Company in patent specification: GB.1,551,578.

Art Unit: 1709

Regarding claim 14, even though GB. 1,551,578 does teach the limitation and all components, but it does not, specifically, teach using it in dishwashers, kitchen, drains... etc. It has been held that a recitation with respect to the manner in which a claimed article, or composition, is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987)

### ***Claim Rejections - 35 USC § 103***

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 1709

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB.1,551,578, as applied to claim 1.

Regarding claim 9, GB.1,551,578 discloses the claimed invention except for the shape and size. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955), *MPEP* 2144.04. At the time of invention, It would have been an obvious matter of choice to mold or cut the soap in strip shape, since such modification would have facilitated its single time usage.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB.1,551,578, as applied to claim 11.

Regarding claim 12, GB.1,551,578 teaches every limitation except additional compression. With respect to additional compression of the soap, the experimental modification of this prior art in order to ascertain optimum fitting conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the size and density of the soap by additional compression, in order to be able to adjust the percentage volume of air bubble in the soap. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215.

Regarding claim 13, GB.1,551,578 discloses the claimed invention except for: "dividing into individual doses". duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ

Art Unit: 1709

378 (CCPA 1960), MPEP2144-04. At the time of invention, It would have been obvious to a person of ordinary skill in the art to cut or divide them into individual doses.

Motivation was to make them available for one time use.

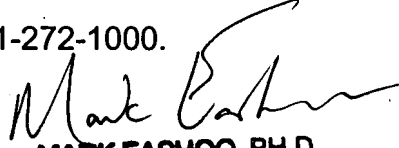
### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Reza Asdjodi whose telephone number is 571-270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Reza Asdjodi,  
08-28-07

  
**MARK EASHOO, PH.D.**  
**PRIMARY EXAMINER**